

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark A. Holland and Nicole Lenihan  
Application No.: 10/821,640 Group Art Unit: 1648  
Filed: April 9, 2004 Examiner: Nicole Kinsey  
Confirmation No.: 9018

For: BACTERIOPHAGE FOR LYSIS OF *METHYLOBACTERIUM* AND  
COMPOSITIONS AND USES THEREOF

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office on:	
/Rachel Meehan/ July 23, 2007	
Signature	Date
<b>RACHEL MEEHAN</b>	
Typed or printed name of person signing certificate	

STATEMENT REGARDING BIOLOGICAL DEPOSIT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A bacteriophage in accordance with the invention disclosed in the above-identified application was deposited with the ATCC on June 2, 2003, as ATCC #PTA-5075 in accordance with the terms of the Budapest Treaty. The receipt of such deposit is attached hereto as Exhibit A.

In accordance with 37 CFR 1.808, the deposit will be available during pendency of the patent application making reference to the deposit to one determined by the Director to be entitled thereto under § 1.14 and 35 U.S.C. 122, and, subject to paragraph (b) of this section, all restrictions imposed by the depositor, if any, on the availability to

the public of the deposited material will be irrevocably removed upon the granting of the patent.

Respectfully submitted,

ELMORE PATENT LAW GROUP, P.C.

/Darlene A. Vanstone/

By \_\_\_\_\_

Darlene A. Vanstone

Registration No. 35,729

Telephone: (978) 251-3509

Facsimile: (978) 251-3973

N. Chelmsford, MA 01863

Dated: July 23, 2007

# ATCC

RECEIVED JUN 14 2003

EXHIBIT

A

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Salisbury University  
Attn: Mark A. Holland  
Department of Biology  
Salisbury, MD 21801

Deposited on Behalf of: Salisbury University

Identification Reference by Depositor:

Patent Deposit Designation

Bacteriophage of *Methylobacterium* spp., mixture of isolates:  
Mmphiage Lysate 03-1

PTA-5075

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received March 21, 2003 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested May 13, 2003. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 2, 2003

cc: James A. Poulos

Ref: Docket or Case No.: LS-2002-024